UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,413	01/23/2006	Thomas Jachmann	S303P05196	5530

24131 7590 06/11/2007

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
BUI, BRYAN P	

ART UNIT	PAPER NUMBER
2109	

MAIL DATE	DELIVERY MODE
06/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/565,413	JACHMANN ET AL.	
	Examiner	Art Unit	
	Bryan P. Bui	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) *1-9* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 January 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *01/23/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant has submitted a preliminary amendment to Application No. 10/565413 on January 23rd, 2006 claiming priority from PCT Application PCT/DE04/01341 filed on June 23rd, 2004 claiming priority from Foreign Application (GERMANY) 103 33 888.8 filed on July 22nd, 2003. This following office action is based on the preliminary amendment filed on January 23rd, 2006 having claims 1-20 and Figure 1.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/DE04/01341 filed on June 23rd, 2004. The priority date considered for the application is July 22nd, 2003, which is the filing date of Foreign Application mentioned above.

Status of Claims

Claims 1-20 are pending and have been examined.

Claims 1-9 are cancelled by applicant, therefore are not considered in this action.

Claims 10-20 are rejected for the reasons discussed in detail below.

Claim Objections

3. Claim 10 is objected to because the recitation of "the method which comprises" in line 1 implies there are more than one method. Applicant is suggested to amend the claim to rewrite "the method comprises" instead.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 10,11, 13-15 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Thibault et al (EP 0 825 506 A2) in view of Paavilainen et al (U.S Pat. No. 6,598,142 B2).

With respect to claim 10, Thibault discloses methods and apparatus for remote process control, wherein "[a] communication unit" (see Thibault Figure 1 (26) and (28)) and "[a] data source" (see Thibault Figure 1 (25)) are provided. Thibault also discloses a system for process control (see column 3 line 32 and Figure 1) as "[a] runtime system" comprising "hardware components" (see column 3 lines 32-40 and Figure 1) and "software components" (see column 3 lines 54-56 and Figure 1(25)) for transmitting data between the data source and the communication unit. Additionally, Thibault discloses an "omopen list" (see, for example, column 9 lines 25-27, 32-34 and Figure 2) as "the processing sequence comprising processing routines" to provide a method for "controlling and/or monitoring a data exchange between the communication unit and the data source". Likewise, Thibault discloses the claimed feature of "the processing sequence comprising processing routines each having a standard input interface", wherein a software interface is provided (see, for example, column 7 lines 30-46) by the interface section. The claimed feature of "calling the processing routines in succession and supplying data in a called processing routine to the input interface of an immediately adjoining processing routine" is also disclosed by Thibault, wherein the process data which are obtained from the distributed processing routine (see Figure 1 (25c)) are forwarded immediately to the downstream processing routine (see Figure 1 (25a)) as input data (see Thibault, column 9, lines 43-50). Moreover, Thibault discloses the claimed limitation of "accessing the memory area to stipulate an order wherein the processing routines are called" by providing "software services" for access and

modification of information through the object manager (OM) (see column 5,line 57 – column 6, line 5 together with column 2, lines 18-33), especially by showing in Figure 2 that the order of the processing routines "omopen list", "dqchange" and "omupdate" is stipulated, and this order of the processing routines is dependent only on what process data are requested by the client system (see column 9, lines 43-46).

However, Thibault does not expressly teach the claimed feature of "managing, with a runtime system, a dynamic memory area". Paavilainen et al, from the same or similar field of endeavor, describes a system enabling implementation of dynamic memory management (see Paavilainen, the abstract together with column 2, lines 1-8 and lines 54-67), wherein a technique of dynamic allocation of memory space in a subscriber identity module of a mobile station in a telecommunication system is provided (see column 2, lines 18-20). Thus, it would have been obvious to someone of ordinary skill in the art at the time the invention was made to modify the runtime system of Thibault by adding a dynamic memory managing taught by Paavilainen to achieve the claimed limitation of "managing, with a runtime system, a dynamic memory area". Such combination would have permitted the process control method of Thibault to allow the runtime system to void the need to increase the size of its database (see Paavilainen, column 2, lines 8-10) and an overload of the system operation (see Paavilainen, column 2, lines 52-53).

With respect to claim 11, Thibault discloses the claimed limitation of "[a] data source is a part in a distributed system" by citing that the control stations are of the type conventionally used in a distributed process control architecture (see Thibault, column 3, lines 54-58 together with Figure 2).

With respect to claims 13 and 14, Thibault discloses that each process control unit (see Figure 1 (19a)-(19e)) processes only the requests for its data (see column 6, lines 44-47) using data objects (see Figure 1 (23 a)-(23e)). Obviously, those data objects are correspond to "[a] source data identifier" as cited in this claim. In addition, Thibault achieves the aspect of "controlling the processing of the data on the basis of the source data identifier with one or more of the processing routines" by using the data objects to detect and control the data access operations which means that the process control units can be accessed individually based on the source data identifiers (see Thibault, column 6 , lines 26, 44-47).

With respect to claim 15, Thibault discloses that the process data in his invention are buffer-stored (see, for example, column 9, lines 22-25, 32-35), and are displayed on the client systems (see, for example, column 9, lines 35-42.). Those are the claimed features as cited in this claim.

With respect to claim 18, Thibault achieves the claimed limitations by describing the process control system having "a network server" (see column 3, lines 37-40 and Figure 1 (16) with "a server program" (see column 5, lines 46-47 and Figure 1 (25)) and "client computers" (see column 3, lines 33-34 and Figure 1 (12), (14)) with "a browser program" (see column 2, line 58 – column 3, line 7). Thibault also claims that the browser program can access the server program through the Internet (see Thibault, claim 3).

Furthermore, most of the limitations for claims 11, 13-15 and 18 have been noted in the rejection of claim 10. Therefore, they are rejected as set forth above.

5. Claims 12, 16-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibault et al (EP 0 825 506 A2) in view of Paavilainen et al (U.S Pat. No. 6,598,142 B2) as applied to claim 10 above, and further in view of Schleiss et al (U.S Pub. No. 2003/0014500 A1).

With respect to claim 12, most of the limitations of this claim have been noted in the rejection of claim10. It is noted , however, neither Thibault nor Paavilainen discloses the the claimed features of providing the data with a user identifier, checking

the user identifier for a match with entries in prescribed user lists, and terminating data forwarding if no match is established. Schleiss et al, from the same or similar field of endeavor, teaches a method of processing transactional process control data (see Schleiss, paragraph 14 lines 2-8), wherein a technique of authentication of users prior to access and to process data is provided for preventing unauthorized data access, so that the process data are forwarded only to the authenticated users (see Schleiss, paragraph 54 lines 14-22). Thus, it would have been obvious to someone of ordinary skill in the art at the time the invention was made to further modify the remote control method of Thibault (see previous modification in the rejection of claim 10) by adding a user authentication technique taught by Schleiss to achieve the claimed limitations of "providing the data with a user identifier, checking the user identifier for a match with entries in prescribed user lists, and terminating data forwarding if no match is established" . Such combination would have permitted the process control method of Thibault to allow the transactional data communication for process control systems to develop custom communication interfaces that must be integrated to carry out each type of transactional data exchange (see Schleiss, paragraph 11, lines 15-20).

With respect to claims 16 –17 and 19, neither Thibault nor Paavilainen expressly discloses the claimed limitations of "at least one of the processing routines is an error analysis routine" (as cited in claim 16), "at least one of the processing routines is a monitoring routine" (as cited in claim 17), and "at least one of the processing routines is

a tracking routine" (as cited in claim 19). However, Schleiss discloses an error analysis routine within the context of the description (see page 7, lines 14-22 together with paragraph 31, lines 1-6). Schleiss also achieves the claimed feature of "processing routines" by providing a process control system to store data and/or monitoring data in a database (see paragraph 40, lines 1-11 and Figure 3 and 4). Additionally, Shleiss discloses the claimed limitation of "tracking routines" by using the user authentication prior to access the data which is dependent not only on the user but also on the position of the terminal within the network (see Schleiss, paragraph 54, lines 20-22 and page 8, lines 15-28). Thus, it would have been obvious to someone of ordinary skill in the art at the time the invention was made to further modify the remote control method of Thibault (see the previous modification on the rejection of claim10) by adding a technique taught by Schleiss to achieve the claimed limitations of "at least one of the processing routines is an error analysis routine", "at least one of the processing routines is a monitoring routine", and "at least one of the processing routines is a tracking routine". Such combination would have permitted the process control method of Thibault to allow the transactional data communication for process control systems to develop custom communication interfaces that must be integrated to carry out each type of transactional data exchange (see Schleiss, paragraph 11, lines 15-20).

With respect to claim 20, neither Thibault nor Paavilainen expressly discloses the claimed feature of "loading a configuration file into a dynamic memory area" and

"stipulating a structure and an order of the processing routines". Schleiss et al, from the same or similar field of endeavor, discloses the stipulation of the structure (see Schleiss, paragraph 36, lines 1-4 and Figure 3) and the order of processing routines (see Schleiss, paragraph 46, lines 5-9 and Figure 5). Thus, it would have been obvious to someone of ordinary skill in the art at the time the invention was made to further modify the remote control method of Thibault (see the previous modification on the rejection of claim10) by adding a technique taught by adding a technique taught by Schleiss to achieve the claimed limitations of "loading a configuration file into a dynamic memory area" and "stipulating a structure and an order of the processing routines". Such combination would have permitted the process control method of Thibault to allow the transactional data communication for process control systems to develop custom communication interfaces that must be integrated to carry out each type of transactional data exchange (see Schleiss, paragraph 11, lines 15-20).

Information Disclosure Statement

6. The references cited in the International Search Report issued by European Patent Office on November 16th, 2004 have been considered, because they were in compliance with 37 CFR 1.98(a)(1). They have been placed in the application file and the information referred to therein has been considered as to the merits.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Crater et al. (US Pat No. 6,201,996 B1 and 5,805,442)

Guezou et al. (US Pat No. 6,131,114)

Iida et al. (US Pat No. 5,985,071)

Okabayashi et al. (US Pat No. 5,253,346)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is (571)-270-1981. The examiner can normally be reached on Monday-Friday from 7:30 am to 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby can be reached on (571)-272-4017. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from USPTO

Customer Service Representative or access to the automated information system, call 1-(800)-786-9199 (in U.S.A or Canada) or 1-(571)-272-1000.

Examiner

Bryan Bui

Bryan P. Bui

Frantz Coby

FRANTZ COBY
PRIMARY EXAMINER